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PTO/SB/50 (06-03)

Approved for use through 01/31/2004. OMB 0651-0033  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**REISSUE PATENT APPLICATION TRANSMITTAL**

Address to:  Mail Stop Reissue Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	500.29337R00
	First Named Inventor	KUBOTA, MASANORI
	Original Patent Number	5,070,728
	Original Patent Issue Date (Month/Day/Year)	December 10, 1991
	Express Mail Label No.	

**APPLICATION FOR REISSUE OF:**  Utility Patent  Design Patent  Plant Patent  
(Check applicable box)

<b>APPLICATION ELEMENTS (37 CFR 1.173)</b>		<b>ACCOMPANYING APPLICATION PARTS</b>
1. <input checked="" type="checkbox"/> Fee Transmittal Form (PTO/ SB/ 56) <em>(Submit an original, and a duplicate for fee processing)</em>		10. <input checked="" type="checkbox"/> Statement of status and support for all changes to the claims. See 37 CFR 1.173 (c).
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		11. <input type="checkbox"/> Original U.S. Patent for surrender  <input type="checkbox"/> Ribboned Original Patent Grant  <input type="checkbox"/> Statement of Loss (PTO/SB/55)
3. <input checked="" type="checkbox"/> Specification and Claims in double column copy of patent format (amended, if appropriate)		12. <input type="checkbox"/> Foreign Priority Claim (35 U.S.C. 119). <em>(if applicable)</em>
4. <input checked="" type="checkbox"/> Drawing(s) (proposed amendments, if appropriate)		13. <input checked="" type="checkbox"/> Information Disclosure <input checked="" type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations
5. <input checked="" type="checkbox"/> Reissue Oath/Declaration (original or copy) <em>(37 C.F.R. § 1.175) (PTO/SB/51 or 52)</em>		14. <input type="checkbox"/> English Translation of Reissue Oath/Declaration <em>(if applicable)</em>
6. <input checked="" type="checkbox"/> Power of Attorney		15. <input type="checkbox"/> Preliminary Amendment
7. Original U.S. Patent currently assigned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <em>(If Yes, check applicable box(es))</em>		16. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <em>(Should be specifically itemized)</em>
<input type="checkbox"/> Written Consent of all Assignees (PTO/SB/53)		17. Other: <u>Offer to Surrender Original Letters Patent.</u>
<input checked="" type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <em>(PTO/SB/96)</em>		
8. <input type="checkbox"/> CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table		
9. Nucleotide and/or Amino Acid Sequence Submission <em>(if applicable, all of the following are necessary)</em>		
a. <input type="checkbox"/> Computer Readable Form (CFR)		
b. Specification Sequence Listing on:		
i. <input type="checkbox"/> CD-ROM (2 copies) or CD-R (2 copies); or ii. <input type="checkbox"/> paper		
c. <input type="checkbox"/> Statements verifying identity of above copies		

**18. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number	020457	<input type="checkbox"/> Correspondence address below	
Name	Antonelli, Terry, Stout & Kraus, LLP		
Address	1300 North Seventeenth Street		
	Suite 1800	Zip Code	
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NAME (Print/Type)	Melvin Kraus	Registration No. (Attorney/Agent)	22,466
Signature		Date	03/03/2004

This collection of information is required by 37 CFR 1.173. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 770.00)**Complete if Known**

Application Number	
Filing Date	March 3, 2004
First Named Inventor	KUBOTA, MASANORI
Examiner Name	
Art Unit	
Attorney Docket No.	500.29337R00

**METHOD OF PAYMENT** (check all that apply)
 Check     Credit Card     Money Order     Other     None
 Deposit Account:

Deposit Account Number	01-2135
Deposit Account Name	Antonelli, Terry, Stout & Kraus, LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below     Credit any overpayments Charge any additional fee(s) during the pendency of this application. Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity**   **Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge – late filing fee or oath
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examination action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive – unavoidable
1453	1,330	2453	665	Petition to revive – unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1406	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

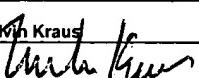
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

0

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Mark Kraus	Registration No. (Attorney/Agent)	22,468	Telephone	703-312-6600
Signature				Date	03/03/2004

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500.29337R00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patentee(s): M. KUBOTA, et al

Reissue of  
Patent No.: 5,070,728

Filed: March 3, 2004

For: THROTTLE SENSOR

**OFFER TO SURRENDER ORIGINAL LETTERS PATENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 3, 2004

Sir:

Applicants in the accompanying reissue of U.S. Patent No. 5,070,728, through their undersigned attorney, hereby offer to surrender the Original Letters Patent upon indication of allowability of the reissue application.

Respectfully submitted,



Melvin Kraus  
Registration No. 22,466  
ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/cee  
(703) 312-6600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee(s): M. KUBOTA, et al

Reissue of  
Patent No.: 5,070,728

Filed: March 3, 2004

For: THROTTLE SENSOR

**STATUS OF CLAIMS AND SUPPORT FOR CLAIM CHANGES  
UNDER 37 CFR 1.173(c)**

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 3, 2004

Sir:

In the reissue application of U.S. Patent No. 5,070,728, submitted herewith, claims 1-19 are pending. Claims 1-10 are pending unamended claims of the original patent, claim 11 is a pending amended claim of the original patent, and claims 12-19 are pending newly added claims, with claims 12-15 being dependent claims dependent directly or indirectly from claim 11 and claim 16 is a newly added independent claim with claims 17-19 being dependent claims dependent upon claim 16.

With regard to an explanation of the support in the disclosure of the patent for the changes made to the claims, original independent patent claim 11 has been amended to recite the feature of "wherein said housing forms a unitary structure with said connector", which feature is described in col. 2, lines 41-43 of the patent, in that "The ceramic circuit board 8, lead frame 10 and connector 11 are formed to be unitary with a housing 12." (emphasis added), such feature is also set forth in original dependent claim 5 of the patent. Newly added dependent claim 12 which depends from claim 11 recites the feature "wherein said housing further forms a unitary

structure with at least one of said lead frame and said circuit board" which is described at col. 2, lines 41-43 and original dependent claim 5 of the patent. Claim 13 depends from claim 11 and recites the feature "wherein said housing is sealed with respect to said throttle body by a sealing member" which feature is described at col. 3, lines 26-28 of the patent, in that "The housing 12 and the throttle body 1 are tightly sealed by an O-ring 18" which is also illustrated in Fig. 1 of the drawings of the patent, for example. Dependent claim 14 which depends from claim 13 recites the feature "wherein said sealing member is an O-ring seal" which is described at col. 3, lines 26-28 of the patent. Dependent claim 15 which depends from claim 13 recites the feature "wherein said lead frame enables electrical connection between at least one of said plurality of resistors of said circuit board and said connector, and said lead frame extends beyond said sealing member". As described in col. 2, lines 18 and 19 of the patent, resistors 9 are arranged on a ceramic circuit board 8, and in col. 2, lines 37-41, "Further, the resistors 9 are connected to a connector 11 through a lead frame 10. Thus, the electrical signal  $V_0$ , power source  $V_{cc}$  and earth GND are relayed to or from the exterior of the throttle sensor through the connector 11." Additionally, original patent claim 11 recites "a housing holding said circuit board and having a lead frame and a connector for transmitting an electrical signal of said resistors". As clearly illustrated in Fig. 1, the lead frame 10 extends beyond the sealing member 18, such that Fig. 1 is considered to provide support for the recitation of "said lead frame extends beyond said sealing member" of claim 15.

With respect to new independent claim 16, such claim other than the last paragraph which is a "wherein" clause, reciting "wherein said housing is sealed with respect to said throttle body by a sealing member" is identical to original patent claim 11 and is supported by original patent claim 11 and the corresponding description in the specification and illustration in the drawings. As to the additional wherein clause of "wherein said housing is sealed with respect to said throttle body by a sealing

member", such feature is described in col. 3, lines 26-28, and corresponds to the features of new dependent claim 13, as pointed out above. Dependent claim 17 depends from claim 16 and recites the feature "wherein said sealing member is an O-ring seal", thereby corresponding to newly added dependent claim 14, which feature is described at col. 3, lines 26-28 of the original patent, as pointed out above. Dependent claim 18 which depends from claim 16 recites the feature of "wherein said housing forms a unitary structure with said connector" and corresponds to the newly added wherein clause of original patent claim 11 having support at col. 2, lines 41-43 of the patent, as described above. Further, dependent claim 19 is a dependent claim dependent upon claim 16 and reciting the feature of "wherein said lead frame enables electrical connection between at least one of said plurality of resistors of said circuit board and said connector, and said lead frame extends beyond said sealing member" and corresponds to the features recited in newly added dependent claim 15, which is supported by Fig. 1 of the drawings and col. 2 and original patent claim 11 as described above, with respect to newly added dependent claim 15.

Applicants submit that the amendment of original claim 11 and the addition of newly added claims 12-19 recite features having full support in the original patent, as pointed out above.

Accordingly, favorable action in this reissue application is respectfully requested.

Respectfully submitted,



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